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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,426	02/11/2004	Donald E. Burg	104-155	4333
7590 08/13/2004				
Robert J. Van Der Wall Colonial Bank Centre Suite 1620 1200 Brickell Avenue Miami, FL 33133			EXAMINER	
			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,426

Applicant(s)

BURG, DONALD E.

Examiner

Lars A Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 5-49 is/are allowed.
- 6) ☒ Claim(s) 50 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 51-55 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 3 and 4 are objected to because of the following informalities: Claims 3 and 4 do not end with a period, and are thus considered incomplete. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 50 is rejected under 35 U.S.C. 102(b) as being anticipated by Burg (US 4,890,564).

Burg discloses the same surface effect ship as claimed, as shown in Figures 1-11, that is comprised of port and starboard sidehulls, defined as Part #58, that are supported upon a water surface at least in part by at least one artificially pressurized gas cushion, as shown in Figure 3, and port and starboard bow members, as shown in Figure 6, where water contacting portions of said port and starboard bow members extend forward of water contacting portions of a forward moveable gas seal member, defined as Part #33, as shown in Figures 3, 13 and 14, and where said forward moveable gas seal member is moveable in relation to the hull of said surface effect

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ship. Said port and starboard sidehulls diverge to either side of vertical sidehull longitudinal planes, as shown Figure 3. Said forward moveable gas seal member is disposed between said port and starboard sidehulls, as shown in Figures 3, 6 and 8, and extends across a width of said surface effect ship. Said port and starboard sidehulls are truncated over a portion of their length aft of their bow portions, as shown in Figures 3-5. Said port and starboard sidehulls also have truncated aft extending portions that extend downward from surfaces of a gas cushion recess to form fluid fences that at least partially separate portions of said artificially pressurized gas cushion, as shown in Figures 6-11. A moveable gas cushion aft seal member, defined as Part #59 and 60, is also provided on the underside of the hull of said surface effect ship, as shown in Figures 3, 4, 10 and 11, and comprises at least two inverted-V shaped portions, as described in lines 30-44 of column 6.

Allowable Subject Matter

4. Claims 1, 2 and 5-49 are allowed.
5. Claims 51-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

August 9, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
8/9/04